

Apex Court laid down that Article 15(4) of the Constitution is not an exception but only makes a special application of the principle of reasonable classification. Article 15(4) does not make any mandatory provision for reservation and the power to make reservation under Article 15(4) is discretionary and no writ can be issued to effect reservation. The contention raised in the said case was that the Government of India itself had made a provision for reservation for SC/ST candidates even in all-India entrance examination for the postgraduate courses, the State of Haryana is bound to follow the same and issue appropriate orders/directions providing reservation in the postgraduate courses and the prospectus dehors any provision for reservation was bad and liable to be quashed. Rejecting the contention it was held that the same cannot automatically be applied in other selections where the State Governments have power to regulate.

(i) Constitution of India, 1950, Art. 15(4) - Reservation - Post Graduate Courses - The appellants challenged the State of Haryana's decision not to provide reservations for SC/ST/Backward Classes in Post-Graduate medical courses, arguing that such reservations exist at the undergraduate level (MBBS) - Article 15(4) is an enabling provision, granting the State discretion on the matter - State is not obligated to extend reservation policies from the undergraduate level to Post-Graduate admissions - Decision of the State of Haryana not to implement such reservations at the Post-Graduate level was found to be valid - Mandamus can not be issued directing the State to provide reservations in Post-Graduate courses, but noted that the State is free to reconsider its decision in the future if warranted.

(ii) Constitution of India, 1950, Art. 15(4) - Reservation - Post Graduate Course - Appellants sought to quash the prospectus for MD/MS/PG Diploma and MDS Courses on the grounds that it did not provide for reservation for Scheduled Castes - Appellants argued that, since the Government of India provides reservation for SC/ST candidates in the All-India Entrance Examination for Post-Graduate Courses, the State of Haryana is obligated to follow suit - Held, the decision by the Government of India applies specifically to the All-India Entrance Examination for MD/MS/PG Diploma and MDS Courses - However, this policy cannot be automatically extended to other selections where State Governments have the authority to regulate.

Held, Applicability of reservation policies in Post-Graduate medical courses, the appellants contended that the State of Haryana should follow the Government of India's policy of reserving seats for SC/ST candidates, as done in the All-India Entrance Examination for Post-Graduate Courses. The appellants argued that the absence of reservation in the prospectus rendered it invalid. The Court rejected this contention, holding that the Government of India's reservation policy applies only to the All-India quota, and cannot be automatically imposed on state-level admissions, where states have the authority to regulate. The State of Haryana, after considering the Medical Council of India's recommendations and practices in other states, consciously decided not to implement reservations for SC/ST candidates in Post-Graduate medical courses. This decision, reaffirmed in official letters since 1988, was based on the reasoning that reservations had

already been provided at the qualifying examination level, and any further reservation was not feasible. The Court held that, given Haryana's explicit decision, no mandamus could be issued to compel the state to implement reservations, especially since state governments are better positioned to assess local needs in medical education.

[2009-PLRonline-0017-SCDownload](#)